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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/039,536	01/04/2002	Dietrich W. Schultz	21540-05799	9380

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EXAMINER

VAUGHN, GREGORY J

ART UNIT	PAPER NUMBER
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2178

DATE MAILED: 01/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/039,536	Applicant(s) SCHULTZ ET AL.	
	Examiner Gregory J. Vaughn	Art Unit 2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 June 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 and 24-35 is/are pending in the application.
- 4a) Of the above claim(s) 1-10 and 24-34 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11-16 and 35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/16/02, 1/11/05, 1/31/05, 6/27/05</u> | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Action Background***

1. This action is responsive to the applicant's amendment and reply, filed on 6/17/2005, wherein the applicant has elected Group II (claims 11-16) of the restriction requirement filed 3/18/2005.
2. Applicant has withdrawn claims 17-23. Claims 1-10 and 24-34 are non-elected. Applicant has added new claim 35. Applicant has amended claims 1-16 and 24-34.
3. Claims 11-16 and 35 are pending in the case, claim 35 is an independent claim.
4. Acknowledgement is made to the applicant's submission of four Information Disclosure Statements, filed on 12/16/2002, 1/11/2005, 1/31/2005 and 6/27/2005.

### ***Priority***

5. Applicant's claim for domestic priority of US provisional applications 60/260,000 and 60/260084, both filed on 1/4/2001, under 35 U.S.C. 119(e) is acknowledged.

***Election/Restrictions***

6. Applicant's election of group II (claims 11-16) in the reply filed on 6/17/2005 is acknowledged. Applicant indicated that: "*This restriction requirement is respectfully traversed*" (page 21, of the reply filed 6/17/2005). However, because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)). The restriction is made FINAL.
7. Applicant is reminded to cancel claims 1-10 and 24-34, which have been withdrawn from consideration.

***Specification***

8. The disclosure is objected to because it contains the following embedded hyperlinks and/or other form of browser-executable code:
- "<http://www.client.com>" on page 7, paragraph 41;
  - "<http://www.atomz.com/images/logo.gif>" on page 8, paragraph 45;
- Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.
9. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

***Claim Rejections - 35 USC § 112***

10. The following is a quotation of the first paragraph of 35 U.S.C. 112:

*"The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention."*

11. Claims 11-16 and 35 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claims contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

12. **Regarding claim 35**, the amendment filed 6/17/2005 adds the following limitations: *"destination document"* (preamble; first, second and third limitations), *"source document"* (preamble: second and third limitations), and *"identifying a document from a group"* (second limitation). The examiner has reviewed the originally filed specification, and has failed to find support for the added limitations. Applicant is required to cancel the new matter in response to this office action.

13. **Regarding claim 11**, the amendment filed 6/17/2005 adds the following limitations: *"the identified document is the source document"*. The examiner has reviewed the originally filed specification, and has failed to find support

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for the added limitations. Applicant is required to cancel the new matter in response to this office action.

14. **Regarding claim 12**, the amendment filed 6/17/2005 adds the following limitations: "*an action performed in relation to the source document*". The examiner has reviewed the originally filed specification, and has failed to find support for the added limitations. Applicant is required to cancel the new matter in response to this office action.

15. **Regarding claim 13**, the amendment filed 6/17/2005 adds the following limitations: "*editing of the source document*". The examiner has reviewed the originally filed specification, and has failed to find support for the added limitations. Applicant is required to cancel the new matter in response to this office action.

16. **Regarding claim 14**, the amendment filed 6/17/2005 adds the following limitations: "*creation of the source document*". The examiner has reviewed the originally filed specification, and has failed to find support for the added limitations. Applicant is required to cancel the new matter in response to this office action.

17. **Regarding claim 15**, the amendment filed 6/17/2005 adds the following limitations: "*moving of the source document*". The examiner has reviewed the originally filed specification, and has failed to find support for the added

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limitations. Applicant is required to cancel the new matter in response to this office action.

18. **Regarding claim 16**, the amendment filed 6/17/2005 adds the following limitations: *"identifying the document ... in relation to the destination document"*. The examiner has reviewed the originally filed specification, and has failed to find support for the added limitations. Applicant is required to cancel the new matter in response to this office action.

***Claim Rejections - 35 USC § 102***

19. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

*"A person shall be entitled to a patent unless –*

*(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language."*

20. Claims 11-16 and 35 are rejected under 35 U.S.C. 102(e) as being anticipated by Hsu et al. US Patent 6,574,644, filed 11/26/1997, patented 6/3/2003 (hereinafter Hsu).

21. **Regarding independent claim 35**, Hsu discloses storing a document specification for a destination document in Figure 6 at reference signs 68 (shown as "*Final Destination Document*") and 70 (shown as "*Final Destination Specification*"). Hsu discloses identifying a document from a group containing the source document and the destination document, where the source document meets the specification of the destination document and adding the information to the destination document based on the source document. Hsu recites: "*An example of a chain link specification is shown in FIG. 5. The rule uses an intermediate destination to identify the AIU file of the P&I (Piping and*



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*Instrumentation) diagram that contains the KKS number pattern (a naming convention in the power plant industry). Then the file name of the AIU file is extracted to form the file name of the P&I diagram"* (column 4, line 63 to column 5, line 2).

22. **Regarding dependent claim 11**, Hsu discloses the identified document is the source document. Hsu recites: *"An example of a chain link specification is shown in FIG. 5. The rule uses an intermediate destination to identify the AIU file of the P&I (Piping and Instrumentation) diagram that contains the KKS number pattern (a naming convention in the power plant industry). Then the file name of the AIU file is extracted to form the file name of the P&I diagram"* (column 4, line 63 to column 5, line 2).

23. **Regarding dependent claim 12**, Hsu discloses identifying the document in response to an action performed in relation to the source document. Hsu recites: *"The link editor allows the author to establish a single link between two specific pieces of information and if necessary, transform a single link instance into a general link rule in the syntax as described above"* (column 5, lines 3-7).

24. **Regarding dependent claims 13-15**, Hsu discloses the action of editing (claim 13), the action of creation (claim 14) and the action of moving (claim 15). Hsu recites: *"A major component of the system, the link editor, comprises specifications for the source, the intermediate destination, if required, and the final destination. Each specification comprises content pattern generalization,*

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*pattern variable instantiation, attribute modification, context specialization and attribute variable instantiation*" (abstract). Compare: creation to instantiation; editing to modification; and moving to modification.

25. **Regarding dependent claim 16**, Hsu discloses identifying the document in response to an action performed in relation to the destination document. Hsu recites: "*The link editor allows the author to establish a single link between two specific pieces of information and if necessary, transform a single link instance into a general link rule in the syntax as described above*" (column 5, lines 3-7).

***Response to Arguments***

26. Applicant's arguments filed 6/17/2005 have been fully considered but they are not persuasive.
27. Regarding applicant's traversal of the restriction requirement, applicant indicated that: "*This restriction requirement is respectfully traversed*" (page 21, of the reply filed 6/17/2005). However, because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)). The restriction is made FINAL.

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***Conclusion***

28. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Vaughn whose telephone number is (571) 272-4131. The examiner can normally be reached Monday to Friday from 8:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen S. Hong can be reached at (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is (571) 272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**STEPHEN HONG**  
**SUPERVISORY PATENT EXAMINER**

Gregory J. Vaughn  
January 19, 2006